

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REARDEN LLC,

No. C06-07367 MJJ

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

v.

REARDEN COMMERCE INC,

Defendant.

Before the Court is Plaintiff's Motion for Preliminary Injunction.¹ Plaintiff seeks to preliminarily enjoin Defendant's use of website domain names containing "reardenllc." Defendant opposes the motion by arguing that the issue is moot, but does not otherwise oppose the injunction. The Court finds that the issue is not moot because Defendant has not irrefutably demonstrated that it has ceased the conduct in question. *See Covenant Media of Cal., L.L.C. v. City of Huntington Park, Cal.*, 377 F.Supp. 2d 828, 834 (C.D. Cal. 2005). Plaintiff, unopposed on the merits, has met its burden for a preliminary injunction.² The Court, therefore, **GRANTS** the Motion and **VACATES** the hearing set for September 18, 2007.

The Court **ORDERS** that Defendant Rearden Commerce, its officers, directors, agents, servants, employees and attorneys, are preliminarily enjoined from:

¹ Docket No. 65.

² The Court denies Plaintiff's Request for Judicial Notice in Support of Plaintiff's Preliminary Injunction because the documents submitted for judicial notice are not appropriate subject matter for judicial notice pursuant to the Federal Rules of Evidence, Rule 201.

1 1. Directing the domain name www.ReardenLLC.com to any functioning website including,
2 but not limited to, any website owned or operated by Rearden Commerce.


3 2. Directing the domain name www.ReardenLLC.net to any functioning website including,
4 but not limited to, any website owned or operated by Rearden Commerce.

5 3. Registering any domain name containing the term "ReardenLLC."
6

7 **IT IS FURTHER ORDERED** that Plaintiff Rearden LLC shall post a cash bond with the
8 Clerk of the Court of One Thousand (\$1,000) Dollars within seven calendar days of entry of this
9 order. Plaintiffs' failure to comply with the bond requirement by this deadline will result in lifting of
10 the injunction.
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13 **IT IS SO ORDERED.**
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16 Dated: September 13, 2007
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MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE